

19778. Adulteration of cabbage. U. S. v. 26,000 Pounds of Cabbage. Decree of destruction. (5688-A. F. & D. No. 28335.)

Arsenic was found on cabbage taken from the interstate shipment involved in this action.

On May 10, 1932, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 26,000 pounds of cabbage at Cincinnati, Ohio, consigned by M. E. Girard, on May 8, 1932, alleging that the article had been transported in interstate commerce from Lafayette, La., to Cincinnati, Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained arsenic, an added poisonous or deleterious ingredient which might have rendered the article injurious to health.

In view of the perishable nature of the goods, and no claim having been entered for the property, the consignee recommended its immediate destruction. On May 20, 1932, a decree was entered, nunc pro tunc as of May 10, 1932, ordering that it be destroyed by the marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19779. Adulteration of butter. U. S. v. 12 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10397-A. F. & D. No. 28354.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress.

On May 12, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 12 tubs of butter at New York, N. Y., alleging that the article had been shipped on or about May 5, 1932, by the Eustis Co-operative Creamery Co., Eustis, Nebr., through the Nebraska Cooperative Creamery, Omaha, Nebr., and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

The Eustis Co-operative Creamery Co., Eustis, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree, and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On May 17, 1932, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be reworked so that it comply with the Federal food and drugs act and all other laws, and that it should not be disposed of until examined and approved by this department.

HENRY A. WALLACE, *Secretary of Agriculture.*

19780. Adulteration of butter. U. S. v. 23 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (10391-A. F. & D. No. 28338.)

This action involved the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 per cent by weight of milk fat, the standard provided by Congress.

On May 9, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 23 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped in interstate commerce, April 29, 1932, by Charles City Creamery Co., Charles City, Iowa, to New York City, N. Y., and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.